

MATT NEIDERMAN  
 DIRECT DIAL: 302-657-4920  
 E-MAIL: [mneiderman@duanemorris.com](mailto:mneiderman@duanemorris.com)

[www.duanemorris.com](http://www.duanemorris.com)

June 1, 2007

**VIA ELECTRONIC FILING AND HAND DELIVERY**

The Honorable Gregory M. Sleet  
 United States District Court - District of Delaware  
 Room 4324, Lock Box 19  
 J. Caleb Boggs Federal Building  
 844 North King Street  
 Wilmington, DE 19801

NEW YORK  
 LONDON  
 SINGAPORE  
 LOS ANGELES  
 CHICAGO  
 HOUSTON  
 PHILADELPHIA  
 SAN DIEGO  
 SAN FRANCISCO  
 BALTIMORE  
 BOSTON  
 WASHINGTON, DC  
 LAS VEGAS  
 ATLANTA  
 MIAMI  
 PITTSBURGH  
 NEWARK  
 WILMINGTON  
 PRINCETON  
 LAKE TAHOE  
 VIETNAM

**Re: Northern Michigan Hospitals, Inc., et al. v. Health Net Federal Services, LLC, C.A. No. 07-39 ("Health Net action");**

**Lakewood Health System, et al. v. TriWest Healthcare Alliance Corp., C.A. No. 07-69 ("TriWest action")**

Dear Judge Sleet:

We write in connection with the above referenced class actions.

As Your Honor may be aware, the complaints in these actions were filed on January 23, 2007 (Health Net action) and February 7, 2007 (TriWest action). The defendants in each action have filed a motion to dismiss, which motions have been fully briefed.

Since filing their complaints, the plaintiffs in each action have been unsuccessful in their attempts to engage the defendants in the conference required under F.R.C.P. 26(f). By refusing to so participate, defendants have effectively imposed an informal stay of discovery pending the resolution of their respective motions to dismiss.

Although the Court has not yet scheduled the initial conference under L.R. 16(a) in either action, the Rule 26(f) conference is not dependent upon the occurrence of a Rule 16 conference, nor is it dependent upon the resolution of the pending motions to dismiss. Plaintiffs therefore respectfully request the Court's assistance in facilitating the Rule 26(f) conference in each action.

We are available at the Court's convenience to discuss these issues.

**Duane Morris**

The Honorable Gregory M. Sleet  
June 1, 2007  
Page 2

Respectfully,

/s/ Matt Neiderman  
Matt Neiderman (I.D. No. 4018)

cc: United States District Court Clerk (via Electronic Filing and Hand Delivery)  
Jennifer Gimler Brady, Esquire (via Electronic Filing and Hand Delivery)  
Katherine J. Neikerk, Esquire (via Electronic Filing and Hand Delivery)  
Christopher Flynn, Esquire (via email)  
Robert S. Ryland, Esquire (via email)  
John J. Soroko, Esquire (via email)  
Seth A. Goldberg, Esquire (via email)  
Michael R. Gottfried, Esquire (via email)  
Gregory A. Brodek, Esquire (via email)